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THE HON. DR. U. KRISHNA RAO :—" I want notice of this question."

MR. SPEAKER :—" Questions are over."

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—ADJOURNMENT MOTION *RE* PROMULGATION OF AN ORDER UNDER SECTION 41 OF THE MADRAS CITY POLICE ACT.

MR. SPEAKER :—" The hon. Member Sri P. Ramamurthi has given notice of a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance. The motion reads as follows :—

" That the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the promulgation of an order under section 41 of the Madras City Police Act on 20th June 1952, prohibiting assemblies and processions around the Assembly Buildings during the period of the current session of the Assembly."

I would like to know what the hon. Member wants to say on the question of admissibility. The hon. Member should not make a speech on the motion proper but he should only explain how it can be considered a matter of urgent public importance."

SRI P. RAMAMURTHI :—" Mr. Speaker, Sir, I do not now propose to go into the merits of the case. But I shall just briefly state the facts. On the 20th of this month the Commissioner of Police, Madras, issued an order under section 41 of the City Police Act, prohibiting assemblies and meetings around this House for a period of one month from yesterday. Sir, during the last session, an order under section 144, Criminal Procedure Code, prohibiting meetings and assemblies was issued, which was valid only for a day. This time the Commissioner of Police has gone a step forward or backward as this side or the other side of the House may understand it, and applied the provisions of section 41 of the City Police Act to prohibit assemblies and processions round about the Assembly Chamber for a period of one month from yesterday, that is, for the entire period of this session of the Assembly. During the last session, a motion for adjournment of the business of the House was moved and you, Sir, ruled it out on the ground that the Act itself provided a remedy by allowing recourse to the Court. But now under section 41 of the City Police Act, there is no provision for us to seek redress."

MR. SPEAKER :—" There are other ways open to the hon. Member to seek redress."

SRI P. RAMAMURTHI :—" I would like to say that this is a matter of urgent public importance because the order was in force yesterday, and will continue to be in force so long as this

Assembly is sitting. I know that during the course of the Budget Debate there will be an occasion to discuss this matter, for example, when the Police Demand is taken for discussion."

MR. SPEAKER :—" The hon. Member can raise this point even during the general discussion on the Budget."

SRI P. RAMAMURTHI :—" Sir, I would like to say that the Rules also provide for another way of seeking redress."

MR. SPEAKER :—" The motion also offends the rule of anticipation."

SRI P. RAMAMURTHI :—" I do not understand what the Hon. the Speaker means by the ' rule of anticipation '."

MR. SPEAKER :—" When the House has an opportunity to discuss a matter in the near future, it should not be brought before this House by way of an Adjournment Motion. That is what is meant by the ' rule of anticipation '."

SRI T. VISWANATHAM :—" May I submit, Sir, that the rule of anticipation comes into operation only if the subject is on the agenda? If the subject is not on the agenda, there is no question of the rule of anticipation."

MR. SPEAKER :—" When there is reason to think that the matter will come up before this House within a reasonable time, I think the rule of anticipation comes into operation."

* SRI T. VISWANATHAM :—" I submit, Sir, both what I said and what you said must be combined for this purpose. The subject must be on the agenda and there must also be a reasonable chance of its coming up before the House within a reasonable time."

MR. SPEAKER :—" The Budget Session has already begun."

* SRI T. VISWANATHAM :—" The Budget Session is for debating several matters. But here there must be a specific matter on the agenda and there should be a reasonable chance of its being discussed shortly. When both these conditions are fulfilled, certainly there would arise the rule of anticipation. Otherwise, I submit the rule of anticipation can rule out everything, because every subject can be anticipated. The rules relating to adjournment motions will then be rendered practically useless. Therefore, Sir, I submit you should not be pleased to make up your mind in this way."

SRI P. RAMAMURTHI :—" Sir, rule 41 of the Assembly Rules relating to Adjournment Motions reads as follows :—

' A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.'

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The only criterion, therefore, is whether this is a definite matter of urgent public importance. It may be that the entire policy of the Government governing the issue of such orders may come up for review in the course of the Budget Debate. That is a general question. But here is a definite matter."

MR. SPEAKER :—" The hon. Member can move a cut motion on this matter."

SRI P. RAMAMURTHI :—" Once again I would like to submit that this is a matter which is very urgent because the order is continuing to be in force. Therefore, if this House comes to a certain decision, there is a remedy open to the public. As representatives of the public who have to voice forth their feelings, it is our responsibility here to see that this order is rescinded. If we are able to make out a case for rescinding this order, certainly it may be rescinded to-morrow itself, whereas a discussion on the Budget does not provide for any such thing. The discussion on the Budget and the voting on Demands may take one month. Then it would become absolutely useless to take up this matter. Therefore, this is a definite matter of urgent public importance which should be taken up for discussion now."

* SRI T. VISWANATHAM :—" Sir, I shall refer you to page 178 of Sir Gilbert Campion's ' An Introduction to the Procedure of the House of Commons ' in which it is said that ' any substantive motion standing on the paper blocks the discussion of an amendment '. So, it is only a substantive motion that blocks discussion of this kind and not the Budget which is of a general nature. I would submit that the rule of anticipation has got its own limitations."

(Sri P. Venkateswarlu rose to speak.)

MR. SPEAKER :—" I have heard enough on this matter and I cannot allow the hon. Member to speak now. I wish to know whether the Government want to say anything on this matter."

* THE HON. SRI C. RAJAGOPALACHARI :—" I am sorry to say, Sir, that I cannot agree to this Motion. But I wish to point out that there is a mistake in the understanding of the Opposition Members about the functions of the Commissioner of Police. Hon. Members should remember that the Commissioner of Police of Madras is also a Court and there is a regular provision for rescinding such orders. It is a mistake to say, therefore, that there is no judicial remedy. But this is only a question of interpretation of law and I want to remind hon. Members of that. Now, if I may say so, this is a hardy sessional. Every time we meet, an adjournment motion of this kind crops up, and it is the policy of the other side, as far as I can judge from the different motions, that there should be processions around the House."

SRI T. NAGI REDDI :—" Every time there is also such an order."

* THE HON. SRI C. RAJAGOPALACHARI :—" But we have to see that there are no processions round about the House. The Speaker can maintain order in the House and the Government have to maintain order round about the House. That is the position, and if an order under the ordinary law of the land has been passed, there are provisions for reopening that order in the courts. This is the substance of the ruling which, I think, was given by the Speaker last time also. Therefore, I submit we cannot agree to this Adjournment Motion."

MR. SPEAKER :—" I shall now straightaway give my ruling. This order was passed in the course of the ordinary day to day administration. It is not a novel one. Secondly, the House will have an opportunity to discuss this matter very soon and I cannot understand why the hon. Member wants all other business of the House to be postponed in order to discuss this matter. So, I do not consider this to be such a very urgent matter as to justify postponement of all other business of the House. I rule the motion out of order."

I.—HOURS OF SITTING OF THE ASSEMBLY—*cont.*

* SRI VAVILALA GOPALAKRISHNIAH :—" అధ్యక్షా, ఈ బిల్లు యొక్క తెలుగు తర్జుమా ప్రకటించబడలేదు. తెలుగు తర్జుమా లేనిదే ఈ బిల్లు యేమో, తెలుసుకోవడం కష్టంగా ఉన్నది. కాబట్టి తెలుగులో ప్రచురణ చేయించి కాపీలు సభ్యులకు పంపగోరుతాను."

MR. SPEAKER :—" I do not know what the hon. Member speaks in Telugu. The difficulty is I am not able to understand him."

* SRI VAVILALA GOPALAKRISHNIAH :—" అధ్యక్షా, రూల్సును మార్చుటకు అధికారము ఈ శాసన సభకే ఉన్నది. వాటిని ఇతరులెవ్వరూ శాసన సభ అంగీకారం లేనిదే మార్పుచేయడానికి వీలులేదు. ఈ విషయం నిబంధనావళిలోని 18-వ Chapter లో స్పష్టం చేయబడింది. పార్టీలనాయకులతో సంప్రదించి వారి సభలో ప్రకారం నియమాలను మార్చడం నిబంధనావళికి విరుద్ధం. ఆ విధంగా చేయడం శాసనసభ్యుల హక్కులకు భంగం కలిగించినట్లు భావించవలసియుంటుంది. ఆ విధంగా ఈ సభ అంగీకరించనిదే సభాకార్యకలాపాల నిర్వహణ విషయంలో మార్పులు తేవడం అశాస్త్రీయమని point of order raise చేస్తున్నాను. సవరణలు ఏమైనా చేయదలచుకుంటే వెంటనే ఒక కమిటీని ఏర్పాటుచేసి, సవరణల జాబితాను తయారు చేయించి, ఈ సభామోదాన్ని పొందడానికి చర్యతీసుకోవలసిందని కోరుతున్నాను."

9-15 a.m. * SRI T. VISWANATHAM :—" The hon. Member is raising a point of order. I am only translating generally what he has said. He says that there is a provision for amending the Rules of Procedure, and that without bringing in an amendment in the proper way, it is not right for the Leader of the House to advise the Speaker to change the hours of sitting. That is his main point."